

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: April 20, 2005

Division: Growth Management

Bulk Item: Yes      No X

Department: Planning Department

Staff Contact Person: K. Marlene Conaway

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**AGENDA ITEM WORDING:** Public hearing on the request by the Bounty Fisheries, Inc. to amend the land use district (zoning) map from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR) for the property known as Overseas Trailer Park located as part of the Maloney Subdivision PB1-55, Section 32, Township 67 South, and Range 26 East RE#00125350.000000 in Monroe County, Stock Island, Florida.

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**ITEM BACKGROUND:** Bounty Fisheries, Inc. is requesting an amendment to the land use designation from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR) for the purpose of redeveloping its Stock Island property from a mobile home park to attached and detached homes.

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**PREVIOUS REVELANT BOCC ACTION:** The BOCC approved as part of a County sponsored proposal to change the Land Use District Designation of 10 mobile home parks in Stock Island. The Board approved on January 17, 1996 a change in the designation from URM to URM-L.

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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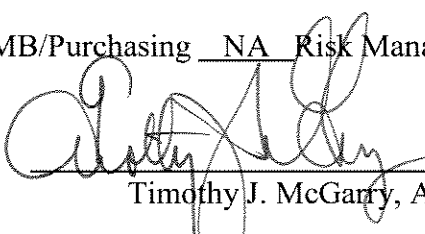
**TOTAL COST:** N/A **BUDGETED:** Yes N/A No     

**COST TO COUNTY:** N/A

**REVENUE PRODUCING:** Yes N/A No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing NA Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

**MONROE COUNTY LAND USE DISTRICT AMENDMENT**

**FROM URBAN RESIDENTIAL MOBILE HOME LIMITED**

**TO URBAN RESIDENTIAL**

**BOUNTY FISHERIES, INC.**

**BOARD OF COUNTY COMMISSIONERS**  
**KEY WEST**  
**APRIL 20, 2005**

**MONROE COUNTY LAND USE DISTRICT AMENDMENT**

**FROM URBAN RESIDENTIAL MOBILE HOME LIMITED**

**TO URBAN RESIDENTIAL**

**A REQUEST BY BOUNTY FISHERIES, INC., TO AMEND THE  
LAND USE DISTRICT MAP**

**RECOMMENDATIONS**

Staff: **Approval**  
DRC: **Approval**  
PC: **Approval**

March 24, 2005  
March 24, 2005  
April 13, 2005

Staff Report  
Resolution #D -05  
Resolution #P -05

## **DRAFT BOCC ORDINANCE**

**ORDINANCE NO. 2005**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST OF BOUNTY FISHERIES, INC. FOR A LAND USE DESIGNATION AMENDMENT FROM URBAN RESIDENTIAL MOBILE HOME LIMITED (URM-L) TO URBAN RESIDENTIAL (UR) FOR THE PROPERTY KNOWN AS THE OVERSEAS TRAILER PARK MALONEY SUBDIVISION PB1-55 SECTION 35, TOWNSHIP 67S, RANGE 25E, STOCK ISLAND, FLORIDA, HAVING REAL ESTATE NUMBER: 00125350.000000 APPROXIMATE MILE MARKER 5; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on April 17, 2002, conducted a review and consideration of the request filed by Bounty Fisheries, Inc. to amend the zoning map from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR) land use district for the property known as Overseas Trailer Park. The subject property is located as part of the Maloney Subdivision PB1-55, in Section 35, Township 67 South, and Range 26 East, Monroe County, Florida. The Real Estate identification number is 00125350.000000; and

**WHEREAS**, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing in Marathon on April 13, 2005. Based on the facts presented at the meeting, the Planning Commission recommended approval of the rezoning as indicated in the Resolution P0 -05; and

**WHEREAS**, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511(d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. Pre-1986 zoning of the subject property was designated as Medium Commercial (BU2). The BU2 District was intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.

3. During the 1986 Comprehensive Plan process, when the Land Use Map was adopted, the subject property was rezoned to Urban Residential Mobile Home District (URM) (Ordinance # 33-1986 dated Feb 28, 1986). This designation continued unchanged until 1996 when the designation was changed to Urban Residential Mobile Home Limited (URM-L). The county sponsored the map amendment to change its land use district designation during the January 17, 1996, Monroe County Board of County Commissioners meeting. The proposal included 10 mobile home parks on Stock Island, Florida; there was no public input at the meeting (Ordinance # 011-1996 and Rule 9J-14.038 F.A.C.).
4. **Section 9.5-205.1 states that the purpose of the** Urban Residential Mobile Home District Limited (URM-L) is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.
5. During the Monroe County Year 2010 Comprehensive Plan process in 1996 the Future Land Use Map (FLUM) designation for the surrounding area was, and remains a mix with the predominant designation as Mixed Use Commercial (MC). However, for the subject property the designation was, and still is Residential High (RH) which is the proper FLUM for URM-L.
6. Based on Policy 101.4.4 of the Comprehensive Plan, the principal purpose of the Residential High (RH) land use category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.
7. The Residential High (RH) FLUM category corresponds with the requested Urban Residential (UR) Land Use District.
8. **Objective 101.11** of the Comp Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2001 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
10. **Goal 102** of the Comp Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The proposed map amendment proposes no additional density or intensity on the site and no expansion of the development into the environmentally sensitive lands.

11. The site is not located under the flight path of the nearby Boca Chica Naval Air Station. The site is not affected by the current or proposed AICUZ Overlay.
12. Based on **Chapter 380.031** of the Florida Statutes, the definition of "Development Permit" includes zoning permit and rezoning. Therefore, a zoning change should support and implement the Land Development Regulations.
13. Based on **Chapters 163.3201 and 163.3201** of the Florida Statutes, Land Development Regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
14. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
15. The community character of the neighborhood is Mixed Use (MU) land use designated properties as well in the area. Many of the residential properties are Urban Residential Mobile Home with a mixture of mobile homes and RV's. The Land Use Map designations for the surrounding area include Natural Area (NA) adjoining on the South end of the property, MU to the East and North, and MU and NA to West; and

**WHEREAS,** the Board of County Commissioners made the following **Conclusions of Law:**

1. The Monroe County Planning Commission recommendation of approval to the BOCC is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comprehensive Plan.
2. The applicant has sufficiently proven that the requested map amendment would be consistent with the overall intent of the Year 2010 Comprehensive Plan.
3. The proposed map amendment does meet the requirements outlined in Section 9.5-511 of the Land Development Regulations and will not negatively impact and alter the character of the surrounding community.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT**

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property, shall be rezoned to Urban Residential (UR), which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is approved by the Department of Community Affairs or Administration Commission approving the ordinance.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner Murray Nelson	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor/Chairperson

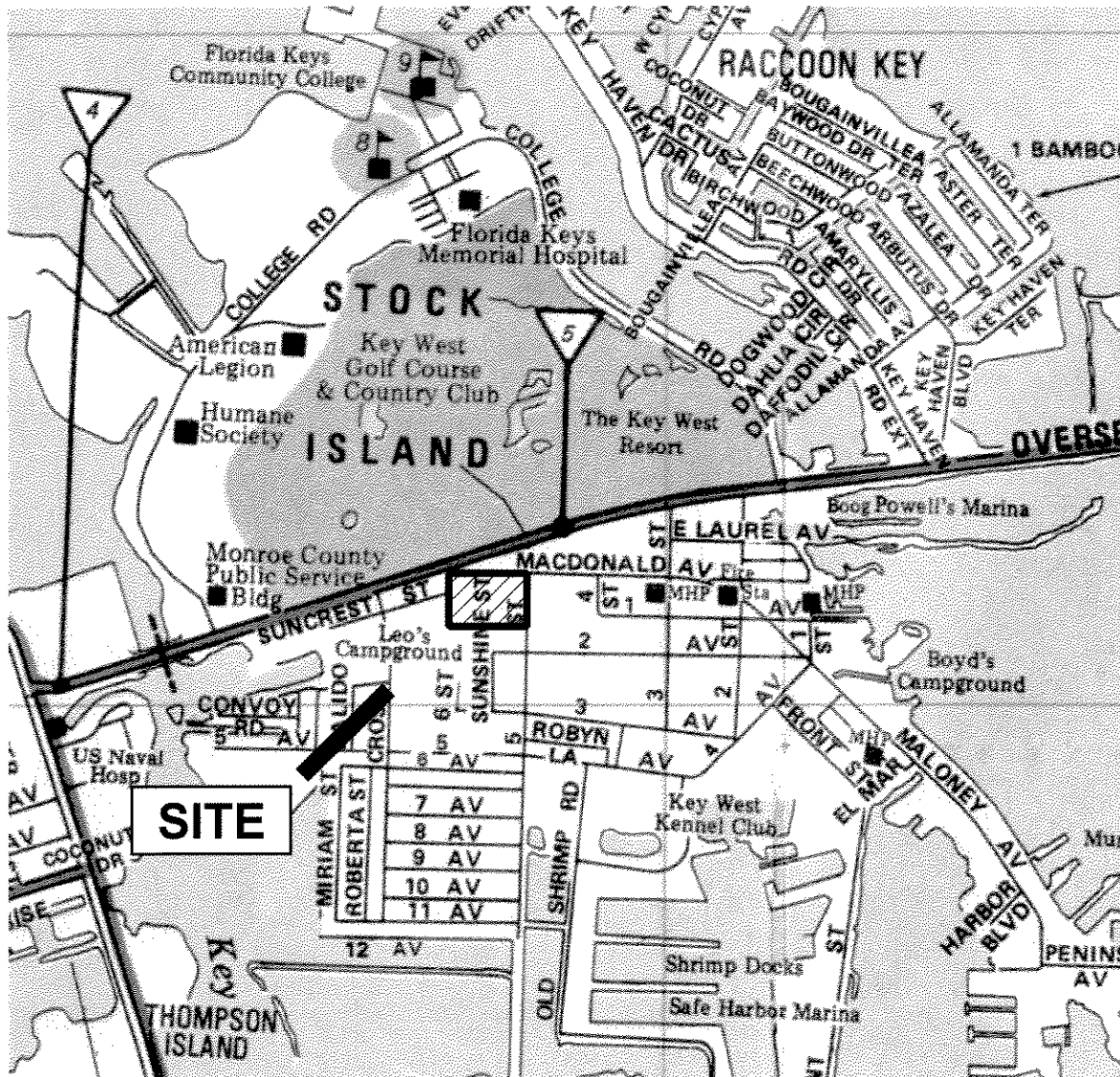
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK







### Proposed Land Use District Map Amendment: Street Map

Key: Stock Island

Mile Marker: 5

Proposal: Change Land Use District from Urban Residential Mobile Home Limited District (URML-L) to Urban Residential District (UR).

Property Description: RE 00125350.000000

Map Amendment: M25067

Land Use District Map #: 581



**Proposed Land Use District Map Amendment: Aerial**

Key: Stock Island

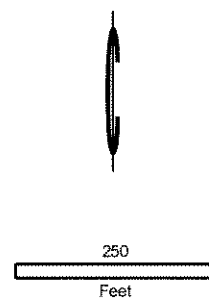
Mile Marker: 5

Proposal: Change Land Use District from Urban Residential Mobile Home Limited District (URML-L) to Urban Residential District (UR).

Property Description: RE 00125350.000000

Map Amendment: M25067

Land Use District Map #: 581



Land Use District Map #: 581

## **BOCC STAFF REPORT**

## MEMORANDUM

**TO:** Board of County Commissioners  
**FROM:** K. Marlene Conaway, Director of Planning  
**RE:** Bounty Fisheries, Ltd., Inc.  
**Date:** April 11, 2005

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**MEETING DATE:** April 13, 2005

**EXISTING FUTURE LAND USE DESIGNATION:** Residential High (RH)

**EXISTING ZONING DESIGNATION:** Urban Residential Mobile-Home  
Limited (URM-L)

**PROPOSED ZONING DESIGNATIONS:** Urban Residential (UR)

**PROPERTY OWNER:** Bounty Fisheries, Ltd,

**AGENT:** Feldman Koenig & Highsmith  
Represented by Timothy J. Koenig

### **PROPERTY INFORMATION**

**Key:** Stock Island

**Size:** *140,698 Square Feet (3.22 Acres)*

**Mile Marker:** MM 5 of U.S. Highway No. 1

### **Location Detail & Brief Description:**

The property commonly known as the Overseas Trailer Park property is located on Stock Island between Sunset Avenue to the West and Fifth Street to the East, First Avenue to the South and MacDonald Avenue to the North on Stock Island, Florida. The property has public roads on all sides which allow local traffic adequate access to US HWY 1. The property is legally described as Maloney Subdivision PB1-55 Section 35, Township

67S, Range 25E, Stock Island, Florida, having real estate number: 00125350.000000 approximate Mile Marker 5.

**Existing Use:**

The property known as the Overseas Trailer Park contains a mixture of recreational vehicles (RV's) and mobile homes. The LOU dated March 17, 2005, identified 49 lawfully established residential units and 7 transient RV units.

**Existing Habitat:**

The subject property is currently developed with little native vegetation.

The lots fall predominately within the AE 9 flood zone per FIRM panel 1798.

**Land Use and Habitat on the 1985 Existing Conditions Aerials:**

Sheet 15 of the 1985 Existing Conditions Aerials show the habitat code to be 740, which indicates that the site is disturbed.

**Neighboring Land Uses and Character:**

The property commonly known as the Overseas Trailer Park is one of several residential properties in the area. There is Mixed Use (MU) land use designated properties as well in the area. Many of the residential properties are Urban Residential Mobile Home with a mixture of mobile homes and RV's. The Land Use Map designations for the surrounding area include Native Area (NA) adjoining on the South end of the property, MU to the East and North, and MU and NA to West.

The Future Land Use Map designates the property as Residential High (RH) which would support the request to amend the Land Use Map designation to Urban Residential (UR). However, this is the only (RH) FLUM designation in the area with the predominant FLUM designation of Mixed Use Commercial (MC). Other FLUM designations are Residential Conservation (RC) adjoining the property on the South West corner of the property and Public Facility (PF) adjoining on the North East corner.

***ZONING AND LAND USE HISTORY***

**Pre-1986 Zoning:**

The pre-1986 zoning designates the property as Medium Commercial (BU2). The BU2 District was intended to provide areas suitably situated for centers of commercial activity,

area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.

**Considerations During the 1986 Comprehensive Plan Process:**

In September 1986, the Land Use Map was adopted and the subject property was rezoned to Urban Residential Mobile Home District (URM) (Ordinance # 33-1986 dated Feb 28, 1986). This designation continued unchanged until 1996 when the designation was changed to Urban Residential Mobile Home Limited (URM-L). The county sponsored the map amendment to change the land use district designation during the January 17, 1996, Monroe County Board of County Commissioners meeting. The proposal included 10 mobile home parks on Stock Island, Florida; there was no public input offered at the meeting (Ordinance # 011-1996 and Rule 9J-14.038 F.A.C.).

The URM designation provides an environment of residential character, designed to enhance living conditions and permitting only those uses, activities, and services which were compatible with the surrounding residential environment. The URM-L district is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.

**Considerations During the 2010 Comprehensive Plan Process:**

During the 2010 Comprehensive Plan process, the Future Land Use MAP (FLUM) categories were introduced. The FLUM designation for the surrounding area was, and remains a mix with the predominant designation as Mixed Use Commercial (MC). However, for the subject property the designation was, and still is Residential High (RH) which is the proper FLUM for URM-L.

**Changes to Boundary Considerations Since 1986:**

No recorded boundary changes were found for the subject properties.

**ANALYSIS AND RATIONALE FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) (b):**

**Changed Projections or Assumptions:** None.

**Data Errors:** None.

**Recognition of a Need for Additional Detail or Comprehensiveness:** None

**New Issues:**

The applicant desires to redevelop the subject property into a condominium style gated community consisting of attached and detached modular homes.. This use is not

supported by the existing land use designation of Urban Mobile Home Limited; therefore the applicant desires to amend the land use designation to Urban Residential (UR).

## **IMPACT AND POLICY ANALYSIS**

### **Comparison of Development Potential for the Current and Proposed Land Uses:**

The housing type permitted in the Urban Residential Mobile Home Limited (URM-L) land use designation is mobile homes. Mobile homes are not a permitted use in the Urban Residential (UR) land use district. The same density of residential units would be permitted because all non-transient residential uses may be replaced on site even though the site would be over-density. The RV's could not be replaced on site if the parcel is redeveloped.

#### ***1. Current Land Development Regulations (LDR's)***

**Section 9.5-205.1 states that the purpose of the Urban Residential Mobile Home District Limited (URM-L) is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.**

Uses permitted *as-of-right* include:

- Mobile homes;
- Recreational vehicles, as provided in F.S., ch. 513;
- Home occupations--Special use permit required;
- Accessory uses;
- Tourist housing uses, including vacation rental uses, are prohibited except in gated communities which have (a) controlled access and (b) a homeowner's or property owner's association that expressly regulates or manages vacation rental uses;
- Collocations on existing antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations of an existing antenna-supporting structure.";
- Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations.";
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences;

Uses permitted as *minor conditional uses* include:

- Replacement of an existing antenna-supporting structure pursuant to article VII, division 16, section 9.5-434.5(b) "Replacement of an existing antenna-supporting structure."



- Stealth wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(e) "Stealth wireless communications facilities."
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."

Uses permitted as *major conditional uses* include:

- Marinas,
- Commercial retail of low intensity of less than twenty-five hundred (2,500) square feet of floor area,

## ***2. Potential Land Uses With Proposed Map Amendment***

**Section 9.5-204 states that the purpose of the Urban Residential (UR) district is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.**

Uses permitted *as-of-right* include:

- Detached residential dwellings;
- Public buildings and uses;
- Home occupations--Special use permit required.
- Accessory uses;
- Vacation rental use if a special vacation rental permit is obtained under the regulations established in Code section 9.5-534.
- Attached wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(d) "Attached wireless communications facilities."
- Collocations on existing antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations on an existing antenna-supporting structure."
- Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant to Article VII, Division 16, Section 9.5-434.5(f) "Satellite earth stations."
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences.

Uses permitted as *minor conditional uses* include:

- Attached residential dwelling units,
- Institutional and institutional-residential uses,
- Parks and community parks,
- Replacement of an existing antenna-supporting structure,

- Stealth wireless communications facilities, as accessory uses,
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses,

Uses permitted as *major conditional uses* include:

- Marinas,
- Time-share estates, including uses accessory thereto,
- Land use overlays A, E, PF, subject to provisions of Section 9.5-257.

#### **Compatibility With Adjacent Land Uses and Effects on Community Character:**

**Section 9.5-511** prohibits any map amendments that would negatively impact community character. The community character of the neighborhood is mixed use with both residential and commercial uses. The map amendment will not have a negative impact on the community character.

#### ***Density and Intensity***

The subject property is 3.22 acres (140,698 sq. ft.) in size. Staff has determined that there are 56 legally established dwelling units of which forty-nine (49) are mobile homes designated as permanent and seven (7) are RV and designated as transient. The applicant is proposing to redevelop the property into a condominium style modular housing development with both attached and detached units. The maximum number of dwelling units (DU) permitted in the Urban Residential (UR) District is as follows:

Section 9.5.262

LAND USE DISTRICT	Allocated Density (DU/Acre)	Max Net Density DU/Buildable Area
<b>Urban Residential (UR)</b>	<b>6</b>	<b>12</b>

The property is 140,698 square feet or approximately 3.22 acres. The required open space is 20% leaving a building area of 2.58 acres. Pursuant to Section 9.5-262 as described in the above table, 2.58 acres X 12 provides for 31 units.

However, pursuant to Section 9.5-269 the applicant has 49 lawfully established permanent dwelling units and can therefore have a density allowance of 49; the 7 RV's cannot be replaced on site.

#### **AICUZ Overlay**

Section 9.5-260 identifies the flight path of the nearby Boca Chica Naval Air Station and states that privately owned properties adjacent to the Naval Air Station, Boca Chica, also known as NAS Key West, shall be developed in accordance with the map prepared by the U.S. Navy or as updated by the U.S. Navy. This map was prepared in conjunction with the United States Navy's Air Installation Compatible Use Zone Study (AICUZ). The subject property is not within the existing or the proposed AICUZ and is therefore not affected by the restrictions of Section 9.5-260.

### ***Use Compatibility***

The residential use of the property is consistent with the surrounding area.

### **Effects on Natural Resources:**

As an existing development on a primarily scarified land, the proposed rezoning will have little to no negative impact on natural resources. However, the property does boarder an area of "Red Flag" mangrove wetlands along the rear property line beginning in the south western corner and running easterly for 310 linear feet. Impact to this area is reduced through the requirement for a vegetated buffer along this property line.

**Effects on Public Facilities: Objective 101.11** of the 2010 Plan requires the County to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed zoning change will not affect Objective 101.11.

### **Local Traffic and Parking**

The proposed rezoning will have no impact on the existing conditions. Roads are already in place and have been well maintained.

### **Traffic Circulation**

As an existing development with no proposed changes there will not be any impacts to traffic circulation.

### **Solid Waste**

As an existing development with no proposed changes there will not be any impact to solid waste.

### **Potable Water**

The Florida Keys Aqueduct Authority's existing consumptive use permit authorizes the withdrawal of sufficient quantities to meet the demand anticipated for 2001. Monroe County's Public Facilities Capacity Assessment indicates that there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is

commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Year 2010 Comprehensive Plan.

### **Stormwater**

No increase in stormwater runoff will result from this zoning change. **Section 9.5-293** of the Land Development Regulations requires that all developments retain stormwater on site following Best Management Practices (BMP's).

### **Effects on Redevelopment/Infill Potential:**

To develop a condominium style community composed of attached and detached single family homes requires a land use district that supports this type of development. Rezoning is necessary to facilitate redevelopment other than mobile home residential units.

### **FINDINGS OF FACT**

1. **Section 9.5-511(d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5) b.(v) of the MCC). The application was initiated by the applicant's agent in order to rezone the subject property to a land use district that represents the historic use of the property and corresponds with the FLUM designation.
3. Pre-1986 zoning of the subject property was **Medium Commercial (BU2)**. The BU2 District was intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.
4. During the 1986 Comprehensive Plan process, the land use (zoning) district designation of the subject property was changed to **Urban Residential Mobile Home**.
5. In 1996 the property was designated **Urban Residential Mobile Home-Limited** pursuant to Ordinance 004-1996 and Rule 9J-14.038 F.A.C.
6. **Section 9.5-204 states that the purpose of the Urban Residential (UR) district is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.**

7. Based on **Policy 101.4.4** of the Comprehensive Plan, the principal purpose of the Residential High (RH) land use category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.
8. The Residential High (RH) FLUM category corresponds with the requested Urban Residential (UR) Land Use District, as well as the Urban Residential Mobile Home (URM) and Urban Residential Mobile Home Limited (URM-L).
9. **Objective 101.11** of Comprehensive Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
10. The **2001 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
11. **Goal 102** of the Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The proposed map amendment proposes no additional density or intensity on the site and no expansion of the development into the environmentally sensitive lands.
12. The site is not affected by the AICUZ Overlay.
13. Based on **Chapter 380.031** of the Florida Statutes, the definition of "Development Permit" includes zoning permit and rezoning. Therefore, a zoning change should support and implement the Land Development Regulations.
14. Based on **Chapters 163.3201 and 163.3201** of the Florida Statutes, Land development regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
15. Based on **Chapter 163.3213 2 (b)** "Land development regulation" means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development of land. This term shall include a general zoning code, **but shall not include a zoning map, an action which results in zoning or rezoning of land....**"
16. Based on **Chapter 163.3177(6)(a)** of the Florida Statutes, Future Land Use Map illustrate the proposed distribution, location, and extent of various categories of land use in a future land use plan. The Future land use plan is just one of the several elements of comprehensive plan. It designates proposed future **general** distribution, location, and extent of the uses of land for different type of uses.

17. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
18. The community character of the neighborhood is a mix of residential and commercial uses with a predominance of Land Use District designations of Mixed Use (MU).

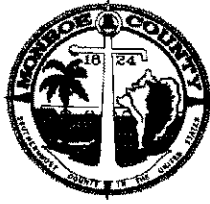
### **CONCLUSIONS OF LAW**

1. The Future Land Use Map is just one of the elements of the Year 2010 Comprehensive Plan which shows only the proposed future **general** distribution, location, and extent of the uses of land for different type of uses.
2. Determination of granting a development permit (including rezoning) is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comprehensive Plan.
3. The site is not located within a zone of the adopted AICUZ map which represents accident potentials and modest noise from the air traffic of the Naval Air Station in Boca Chica.
4. Based on the Finding of Facts presented, the proposed land use designation is appropriate for this property. In the process of determining appropriate land use designations for the site, the Findings of Fact and Conclusions of Law shall be used to guide the Staff.

### **RECOMMENDATION**

Based on the Findings of Fact and Conclusions of Law, the Staff and the Planning Commission recommends **APPROVAL** to the Board of County Commissioners of the proposed Official Land Use District Map amendment from Urban Residential Mobile Home District-Limited (URM-L) to Urban Residential District (UR).

**DRAFT PLANNING COMMISSION RESOLUTION # P -05**



## **RESOLUTION NO. P -05**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** THE REQUEST OF BOUNTY FISHERIES, INC. FOR A LAND USE DESIGNATION AMENDMENT FROM URBAN RESIDENTIAL MOBILE HOME LIMITED (URM-L) TO URBAN RESIDENTIAL (UR) AND CONSTRUCT UP TO FORTY-NINE (49) ATTACHED AND DETACHED MARKET RATE SINGLE FAMILY HOMES, REPLACING THE EXISTING MOBILE HOMES, AND THEREFORE, ARE EXEMPT FROM THE RATE OF GROWTH ORDINANCE (ROGO). THE REMAINING SEVEN (7) RESIDENTIAL UNITS ARE SUBJECT TO ROGO ALLOCATIONS.

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on April 13, 2005, conducted a review and consideration of the request filed by Bounty Fisheries, Inc. to amend the zoning map from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR) land use district for the property known as Overseas Trailer Park. The subject property is located as part of the Maloney Subdivision PB1-55, in Section 35, Township 67 South, and Range 26 East, Monroe County, Florida. The Real Estate identification number is 00125350.000000; and

**WHEREAS**, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

**WHEREAS**, after further review of the application and consideration of facts, the staff recommended approval as indicated in the Staff Report dated March 24, 2005; and

**WHEREAS**, the Planning Commission further reviewed the application and made the following **Finding of Facts**:

1. Pre-1986 zoning of the subject property was designated as Medium Commercial (BU2). The BU2 District was intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage.
2. During the 1986 Comprehensive Plan process, the Land Use Map was adopted the subject property was rezoned to Urban Residential Mobile Home District (URM)



(Ordinance # 33-1986 dated Feb 28, 1986). This designation continued unchanged until 1996 when the designation was changed to Urban Residential Mobile Home Limited (URM-L). The county sponsored the map amendment to change its land use district designation during the January 17, 1996, Monroe County Board of County Commissioners meeting. The proposal included 10 mobile home parks on Stock Island, Florida; there was no public input at the meeting (Ordinance # 011-1996 and Rule 9J-14.038 F.A.C.).

3. The URM designation provides an environment of residential character, designed to enhance living conditions and permitting only those uses, activities, and services which were compatible with the surrounding residential environment. The URM-L district is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.
4. **Section 9.5-205.1 states that the purpose of the** Urban Residential Mobile Home District Limited (URM-L) is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.
5. The Future Land Use Map (FLUM) of the Monroe County Year 2010 Comprehensive Plan process, the FLUM designation for the surrounding area was, and remains a mix with the predominant designation as Mixed Use Commercial (MC). However, for the subject property the designation was, and still is Residential High (RH) which is the proper FLUM for URM-L.
6. Based on Policy 101.4.4 of the Comprehensive Plan, the principal purpose of the Residential High (RH) land use category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.
7. The Residential High (RH) FLUM category corresponds with the requested Urban Residential (UR) Land Use District.
8. **Objective 101.11** of the Comp Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2001 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.

10. **Goal 102** of the Comp Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The proposed map amendment proposes no additional density or intensity on the site and no expansion of the development into the environmentally sensitive lands.
11. The site is not located under the flight path of the nearby Boca Chica Naval Air Station. The site is not affected by the current or proposed AICUZ Overlay
12. Based on **Chapter 380.031** of the Florida Statutes, the definition of "Development Permit" includes zoning permit and rezoning. Therefore, a zoning change should support and implement the Land Development Regulations.
13. Based on **Chapters 163.3201** and **163.3201** of the Florida Statutes, Land Development Regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
14. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
15. The community character of the neighborhood is Mixed Use (MU) land use designated properties as well in the area. Many of the residential properties are Urban Residential Mobile Home with a mixture of mobile homes and RV's. The Land Use Map designations for the surrounding area include Natural Area (NA) adjoining on the South end of the property, MU to the East and North, and MU and NA to West.

**WHEREAS**, the Planning Commission made the following **Conclusions of Law**:

1. The Future Land Use Map is just one of the elements of the Year 2010 Comprehensive Plan which shows only the proposed future **general** distribution, location, and extent of the uses of land for different type of uses.
2. Rezoning of a property on the basis of corresponding with the Future Land Use Map of the Comprehensive Plan is not warranted.
3. The Monroe County Planning Commission determination of granting a development permit (including rezoning) is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comp Plan.
4. The applicant has sufficiently proven that the requested map amendment would be consistent with the overall intent of the Year 2010 Comprehensive Plan.
5. The proposed map amendment does meet the requirements outlined in Section 9.5-511 of the Land Development Regulations and will not negatively impact and alter the character of the surrounding community.

6. The site is not located in the adopted or proposed AICUZ Overlay.

**BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding Findings of Fact and Conclusions of Law support the decision to **APPROVE** the request of Bounty Fisheries, Inc., for a land use designation amendment from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR) to construct up to 49 attached and detached market rate single family dwelling units on property described as Maloney Subdivision, PB 1-55 Section 35, Township 67S, Range 25E, Stock Island, Monroe County, Florida, Mile Marker 5.

**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 13th day of April, 2005.

Chair Lynn Mapes	_____
Vice-Chair Denise Werling	_____
Commissioner Jiulio Margalli	_____
Commissioner James Cameron	_____

PLANNING COMMISSION OF  
MONROE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Lynn Mapes, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005

**DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D -05**

RESOLUTION NO. D-05

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE PLANNING COMMISSION OF THE REQUEST BY BOUNTY FISHERIES, INC. TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM URBAN RESEDENTIAL MOBILE HOME LIMITED (URM-L) TO RESIDENTIAL HIGH (RH) FOR THE PROPERTY DESCRIBED AS PART OF MALONEY SUBDIVISION PB1-55, SECTION 35, TOWNSHIP 67 SOUTH, AND RANGE 25 EAST, ALSO KNOWN AS OVERSEAS TRAILER PARK, STOCK ISLAND, MILE MARKER 5, MONROE COUNTY, FLORIDA.

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**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on March 24, 2005, conducted a review and consideration of the request filed by Bounty Fisheries, Inc. to amend the zoning map from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR) land use district for the property known as the Overseas Trailer Park. The subject property is located at Stock Island, in Section 35, Township 67 South, and Range 25 East, Monroe County, Florida, having the Real Estate identification number 00125350.000000; and

**WHEREAS**, the Development Review Committee examined the following information:

1. The application from Bounty Fisheries, Inc. to change the Land Use District (zoning) map from Urban Residential Mobile Home Limited (URM-L) to Urban Residential (UR); and
2. The staff report prepared by Tom Williams, Senior Planner and Andrew Trivette, Senior Biologist, dated March 22, 2005; and

**WHEREAS**, the Development Review Committee made the following **Findings of Fact**:

1. **Section 9.5-511(d)(5) b** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5)b.(v) of the Monroe County Code). The application was initiated by the applicant's agent in order to rezone the subject property to a land use district that represents the historic use of the property and corresponds with the Future Land Use Map designation.

3. Pre-1986 zoning of the subject properties was **Medium Commercial (BU-2)**.
4. During the 1986 Comprehensive Plan process, the land use (zoning) district of the subject properties was changed to **Urban Residential Mobile Home (URM)**. In 1996 the property was designated Urban Residential Mobile Home –Limited pursuant to Ordinance 004-1996 and Rule 9J-14.038 F.A.C
5. **Section 9.5-204** of the Monroe County Code states that the purpose of the Urban Residential (UR)district is to establish areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive shows that areas around the Overseas Trailer Park received a Future Land Use Map (FLUM) designation of **Residential High (RH)**, not consistent with their land use. However, the proposed land used designation of Urban Residential (UR) would be consistent with the FLUM designation.
7. Based on **Policy 101.4.4** of the Year 2010 Comprehensive Plan the principal purpose of the Residential High (RH) land use category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.
8. The Residential High (RH) Future Land Use category corresponds with the Urban Residential (UR) land use district.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
10. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
11. The **2001 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
12. **Goal 102** of the Monroe County Year 2010 Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

13. The proposed map amendment supports **Goal 102** as it proposes no additional density or intensity on the site. There will be no additional impact on environmentally sensitive lands.
14. The site is not located under the flight path of the Boca Chica Naval Air Station and not affected by the current or proposed AICUZ Overlay.

**WHEREAS**, the Development Review Committee made the following **Conclusions of Law**:

1. The proposed map amendment meets the requirements outlined in Section 9.5-511(d)(5)b.(v) and Section 9.5-204 of the Monroe County Land Development Regulations and will not negatively impact or alter the character of the subject property or the neighborhood.
2. The proposed map amendment supports Objective 101.11 of the Monroe County Year 2010 Comprehensive Plan based on the findings of the 2001 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. There are no significant concerns regarding impacts on public facilities.
3. There are no additional impacts on environmentally sensitive lands as a result of the proposed map amendment.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Planning Commission of the request filed by Bounty Fisheries Inc. to amend the zoning map from Urban Residential Mobile Home Limited (URM-L) Urban Residential (UR) land use district for Overseas Trailer Park located at Stock Island, Maloney Subdivision PB1-55, in Section 35, Township 67 South, and Range 25 East, Monroe County, Florida, having the Real Estate identification number 00125350.000000.

**PASSED AND ADOPTED** by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 6<sup>th</sup> of December 2001.

Aref Joulani, DRC Chair	<u>YES</u>
Andrew Trivette, Senior Biologist	<u>YES</u>
Tom Williams, Senior Planner	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY  
BY \_\_\_\_\_

Aref Joulani, DRC Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.